

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

May 5, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON TUESDAY, MAY 5, 2015, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: Good morning. This meeting of the County Council will please come to order.

Members, this, I'd just like to remind everybody to turn off your cellphones and any other noisemaking devices.

Mr. Clerk, will you please call the roll.

### ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER ELEANORA COCHRAN.

(Councilmember Cochran was not present when the roll was called; however, she arrived at 9:02 a.m.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, we have seven *[sic]* Members present, one excused; a quorum is present to conduct the business of the Council.

COUNCILMEMBER COUCH: Seven.

CHAIR WHITE: Thank you, Mr. Clerk.

COUNCILMEMBER BAISA: Eight.

COUNTY CLERK: Excuse me, eight Members present, Mr. Chair.

CHAIR WHITE: Thank you. And this morning we have opening remarks from Budget Chair Riki Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

*(Councilmember Cochran arrived at the meeting at 9:02 a.m.)*

### OPENING REMARKS

The opening remarks were offered by Councilmember Riki Hokama.

CHAIR WHITE: Thank you, Mr. Hokama.

Will you all please rise and share, Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you, Mr. Clerk. Please proceed.

COUNTY CLERK: Thank you. Mr. Chair, proceeding with ceremonial resolutions.

### CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 15-48

CONGRATULATING SEDONA ESTOMO,  
HAWAII'S 2015 BOYS & GIRLS CLUBS  
YOUTH OF THE YEAR

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED  
"CONGRATULATING SEDONA ESTOMO, HAWAII'S 2015  
BOYS & GIRLS CLUBS YOUTH OF THE YEAR".

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I request that the Clerk read the  
reso. in its entirety, please.

CHAIR WHITE: Yes.

Mr. Clerk.

*(The resolution was read in its entirety.)*

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, it's a great honor for me to be  
here today and bringing Sedona in front of you guys. Since joining the Boys & Girls  
Club, she, Sedona's roots and sense of stability has been, has grown.

Sedona developed the confidence to participate in art activities offered by the various  
clubs. She has worked on several mural projects on Maui. She recently sold her  
custom painted surfboard to a local business and donated a hundred percent of the  
proceeds to the art program at her Haiku club. She's involved in student  
government, art club, and travel club, and performs at least 20 hours of community  
service a month.

Boys & Girls Clubs has provided a nurturing environment to help Sedona define and pursue her dreams of a career in the health and fitness field. She's studying to become a personal trainer and hopes to own and operate a gym someday. To further this goal, she interns at The Gym Maui. Sedona combines a drive to succeed with an understanding of the need for a balance in her life. And, she enjoys volleyball, dance, and yoga while maintaining an admirable 4.3 grade point average.

With the support of her family and the Boys & Girls Clubs of Maui, Sedona has become an excellent role model for our youth. We wish her the best in all her future endeavors, including the July regional where she gets a chance, as the reso. says, to compete with other youths of the year from the Pacific Region. And, the winner gets a \$10,000 scholarship and gets to compete in Washington D.C., and meet the President of the United States. So, it's a, it's a huge undertaking.

And, as a side note, of the last six youths of the year, Maui has produced five for the whole State. So, it's again another shining example of how Maui is just moving forward and, and becoming a, just a font of knowledge and, and good kids coming out of Maui. So, I ask the Members for your full support of this reso.

CHAIR WHITE: Thank you.

Members, further discussion on this reso?

Mr. Victorino.

COUNCILMEMBER VICTORINO: I would like to also offer my congratulations to Sedona. Again, as Mr. Couch has covered, you know, Maui has been a shining star in the last five years out of six. And, all of the Boys & Girls Clubs throughout the County have produced winners and, State winners I should say. So, I'm very proud to say that this County and our youth, and what the programs of Boys & Girls Club bring forward in helping our youth develop is really, really outstanding.

And, I want to thank Kelly and the rest of the staff, and also the families that are involved, the fundraising. Because it takes a lot of money to a lot of these, these items, and we do provide a, a lot of money from the County, but it's to enhance and improve and also ensure the future of this County is in good hands.

So, again, I congratulate Sedona and wish her nothing but success at the nationals. And, I hope she's in Washington D.C., shaking Obama's hand as the winner of the Boys & Girls Club. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further comments, Members?

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And, I'd like to thank Member Couch for bringing this resolution forward. It's a real wonderful thing and just another honor. I'd like to congratulate Sedona and her family on this accomplishment. It's always wonderful to see another young woman who is a shining star.

And, I noticed a couple things when Member Couch was reading her, about her. He mentioned student government, and that's always impressive to me because I think that's where a lot of the commitment to the kind of work that we've decided to do comes from. You pick up that knowledge and confidence, and we hope someday, you might think about it. I know you're thinking about being a fitness instructor. And, after I retire next year, maybe we can hook up. I may be ready to, to commit to, to fitness. But, I wish you all the best. And, we hope you win, win the big stuff. Thank you. Congratulations.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I had the opportunity of watching the participation at the Maui Boys & Girls Club contest, and I'd like to say congratulations. Thank you for all your extra-curricular activities.

But, I'd also like to extend a special congratulations to where foundation is set to her parents. So, good luck and that we wish you well in all of your endeavors.

CHAIR WHITE: Thank you.

Any further comments, Members? Seeing none, I'd just like to add my congratulations to Sedona and especially to her parents. Cause as Ms. Crivello said, it's the parents' guidance that really sets the kids on the right track.

And, then its places like the Boys & Girls Club that help fine tune it and keep the focus there. And, it just makes me really proud to see that we have great kids coming up. And, I really appreciate the Boys & Girls Club for the level of examples that they're able to develop in our kids. And, we all should be very thankful that this kind of thing is happening because as we look around the world, a lot of kids that are really messed up. And, so I think we need to be very, feel very fortunate that we

have groups that are willing to take the time and, and put in the energy to our kids to make them good citizens and good examples for other kids. So, mahalo Sedona, and especially mahalo to mom and dad.

So, with that, if there's no further discussion, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR  
WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: This measure carries; nine "ayes, zero "noes". And, I would like to recognize the presence of Member Cochran.

COUNCILMEMBER COCHRAN: Thank you very much, Chair.

CHAIR WHITE: Good morning.

So, with that, Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, may I request that Sedona come and, and Kelly Pearson come up and receive our congratulations.

CHAIR WHITE: Yes.

COUNCILMEMBER COUCH: Thank you. Mr. Chair, may I present Kelly Pearson to say a few words and then we'll hear from Sedona.

CHAIR WHITE: Thank you.

Ms. Pearson, please proceed.

MS. KELLY PEARSON: Good morning, Chair.

CHAIR WHITE: Good morning.

MS. PEARSON: Good morning, Councilmembers. I think you kind of heard everything already about our program. So, that throws this paper out, no. So, but I, I just want to add just a few more notes to what everybody had already said about the Youth of the Year Program, then we're going to just focus on Sedona which is the main reason we're here today.

If I may, can I introduce some people who are in the audience.

CHAIR WHITE: Yes, please feel free to.

MS. PEARSON: Who are here to support Sedona. Everybody heard Councilman Don Couch mention her parents, David and Christine Estomo, please stand. In the audience, we also have her sisters, 14 year-old Elan and 8 year-old Sin-Jin. I also want to thank our board members who found the time to be here today. In the audience, I have Dave Jorgensen, one of the board members; Joe Balangitao; Chris Minford; and our Board President Wally Prestidge.

I heard you mentioning Boys & Girls Clubs a lot and, and yes, we are very proud of Sedona. And, just so that you know, she's one out of two thousand members that would be here today to, you know, but Sedona's the one that stood out this year. And, she's representing our organization.

But, you know, we wouldn't be able to do it and, and this is where I kind of want to just respond to Councilman Victorino's comment about the County of Maui. And, yes, you, you, you should be thanked as well. Because without your support, and I've watched you guys the last couple of weeks and wow. Without your support, we couldn't have done it. And, we couldn't have done it the last couple years with Zach Jarman, Lopaka Mattos, Mason Aquino, Aaren Soriano, and, this year, the reason we're here to celebrate, Sedona Estomo. But, again, we couldn't have done it without you County Councilmembers and the entire County of Maui. So, I just want to say thank you to you.

The important people really are the ones who work with, with our kids. And, and that's where your funding goes, is to the staff. Unfortunately, a lot of our key staff couldn't be here. Our Program Director Yacine Meyer, has been the one that has been working directly and a lot with Sedona. But, unfortunately, she couldn't be here. But, in the audience, I do have our current Club Director, Luis Garcia, and he's the Club Director up in Haiku. And, the former Haiku Club Director who is now my Director of Operation, Maurice Bajon. And, again, we couldn't have done it without our staff.

So, from . . . I just want to thank you again for everything that you do for us and, congratulate Sedona. Just so that you know too, the process that they go through; so every Club picks a Youth of the Year. But, during the year, they pick Youth of the Week. So, there's a lot of kids that go through this process. And, we pick Youth of the Week, then we pick a Youth of the Month, and then each Club picks a Youth of the Year.

And, so as Councilman, Councilwoman Crivello was saying, she was at the MACC. And, at the MACC you saw four of our youth compete for the, our local competition. And, then we went to Oahu, and Sedona blew them away in the State. But, anyway, thank you again.

COUNCILMEMBER COUCH: Thank you, Kelly.

Sedona, I want to present you with this fake copy of the certificate. The real one will be signed by all of us later.

MS. SEDONA ESTOMO: Great. Thank you so much.

COUNCILMEMBER COUCH: And, Mr. Chair, can I have a short recess please?

CHAIR WHITE: Yes.

COUNCILMEMBER COUCH: As usual for me.

CHAIR WHITE: Yes, we're in recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:20 A.M., AND WAS RECONVENED AT 9:24 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting of the County Council will come back to order. Thank you, Mr. Couch for bringing that resolution forward. And, thanks Sedona for being here.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NO. 15-48.

Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.



Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located out the eighth door lobby just outside of the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

*(Councilmember Victorino was excused from the meeting at 9:25 a.m.)*

COUNTY CLERK: And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Present, Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please introduce yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Molokai Office, please introduce yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and my first testifier is Juliana Kaupu.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. JULIANA KAUPU (testifying on County Communication No. 15-121):

Aloha, Council Chair, Councilmembers. Special aloha kakahiaka, Councilwoman anake Stacy Crivello. My name is Juliana Kaupu, as stated and I was born and raised on Molokai.

And, basically, I'm here, kind of like to wing it with a prayer kind of thing. I'm here to support any and all efforts in which Mayor Arakawa has set forth to sustain the ferry.

I speak for me and my ohana who have utilized its services for many decades. In fact, I'll throw myself out there and speak for many who supports, but, just to hilahila to speak out right now.

We've raised nine children, born and raised here on Molokai, in a rural community such as Molokai, and everybody's familiar with it. And with that, you try to cut edges as best you can in order to survive. So, as foster parents also, for 25 years, we've been privileged to nurture children who otherwise have had sort of some pilikia whether it's within the ohana or what have you. We've been able to provide extra curriculum activities for them and to nurture them. And, most of it has been utilizing the ferry also for sports events and church activities as such.

Through the years, we have utilized the ferry for the following: to attend family reunion, where the family has allowed, the ferry has allowed us to reunite with ohana and loved ones. We would dock at Lahaina and catch a van and drive all the way to Hana to meet with ohana members. Also, to attend family funeral services which is a sad thing. But, the ferry provides that opportunity for us to transport our ohana, such as Girl Scouts and Boy Scouts excursion, church activities for the youth, school shopping. Utilize the ferry at times to visit loved ones also at Maui Memorial Hospital.

*(Councilmember Victorino returned to the meeting at 9:28 a.m.)*

MS. KAUPU: And another thing that has been kind of important to me and, in working with the kupunas in our community is also to visit with family, to visit the Social Security office, because we don't have that sort of establishment here on Molokai. We lack the service here on the island. Most importantly, with the laying off of many Monsanto workers, the ferry provides an opportunity and avenue to seek employment on Maui.

Cost is affordable. In regards to the cost, I would like to make a plea that the cost remains affordable. Molokai does not have very much, and we make do with what we have. But, to take the ferry away is like a lifeline. Many are dependent on its services. Many go there to shop. Excuse me, you know, I'm not one to come out and speak, but this really touches my heart.

We have, I'd like to say, close to maybe 1500 students, preschool to senior. And, the opportunity for extra curriculum, I've had children who's been in sports involvement and through that, MIL participation, we've been blessed to have athletic scholarships for my children to pursue an education. And, that has been a big role on Molokai for many of our students.

We are so limited in resources and I personally feel, as our Councilmember who represent the people, this is really a no-brainer. I leave the rest in Ke Akua hands and continue to Molokai pule ho`o. Thank you.

CHAIR WHITE: Thank you, Ms. Kaupu.

Members, any clarification needed? Thank you very much for your testimony this morning, Ms. Kaupu.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, we have five individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is Mr. Jim Smith, testifying on Committee Report 15-43 and 15-44, to be followed by David Jung.

MR. JIM SMITH (testifying on Committee Report Nos. 15-43 and 15-44, and County Communication No. 15-121):

Aloha, Chair.

CHAIR WHITE: Good morning.

MR. SMITH: My name is Jim Smith. Chair, I'd like to add an item, a brief item to that, which would be the communication from the Councilperson from Molokai regarding the, the funding of the ferry.

CHAIR WHITE: Please, please proceed.

MR. SMITH: Thank you. There's a necessity for physical contact in the body politic. I know it more than others. There has to be a physical contact or there's nothing. And, the ferry provides a physical contact to Molokai. And, it makes me feel, okay, that we are a part of one family, okay, one County. And, from that perspective, I would hope that the Council would urge and take it upon itself to assist the people of Molokai and the people of, of Maui island because this does that. It's well in my mind. And, that's the testimony on that particular item.

The second item I'd like to testify regarding is this County Communication 14, 15-144 [sic] and I've given you a handout. And, the handout is the first budget of the Lingle Administration. And, it contains the general provisions, okay. And, the operative provisions are 7.A. and 7.B., okay. And, I bring this to you because I think the integrity of our political structure is under siege.

What tells me this is when the Finance Director writes in a Letter to the Editor that the Auditor better go back to school, okay. And, then he incorporates, in support of his statement, the Council, okay, as saying that it's a bad investment, okay. But, this is our Auditor and this is an office, and they shouldn't have done any of that. But, he fails to consider that maybe the Council is wrong and, maybe he is wrong. And maybe the Auditor is right because, I believe, there was a trust fund within a trust fund before there was a statutory identification of this trust within a trust. And, I believe it was established in 210 or, or before that. So, it may be the Auditor is listened to. On the other hand, when you read the audit, he's saying what wonderful things about the Auditor, okay.

What is this? What is this? Well, this is a constantly changing world. This is a political structure that is established in the next budget of the County of Maui following the document I gave you, okay. This is the mechanism you must understand in order to realize that it's not about money, it's about power, political power. And, it's in this general provisions that the corruption first occurs. It starts off as an entrepreneurial model, and it now it is a mercenary model. The mercenary is political, he has no principle, he pays and fights. Democrat principle; Republican principle; mercenary, different world. And, that's where this goes.

So, I would ask you not to move out that bill until you find out, okay, why, okay, find out what it was that you're dissatisfied about in his submitting of a bill late. Why are you dissatisfied with that? What is the physical mechanism that allowed him to do that? And, then look at the general provisions, and then change the general provisions. But, you don't have to because when you have no law there's no need in changing it. Thank you very much.

The, the final testimony I'll give you today, you have no choice, it's not a gift. We're all part of this game, all right, is, this is a resolution coming to you from Committee Report 15-143 [sic], okay. On 6-17-2014, the Mayor said, criticizing this Council for not putting in the budget has certain things.

Many projects don't exist. Many projects don't exist. So, why fund them, okay? And, now you're going forward and he's going to stop things because he has no money, because many projects do exist. On the 20th, he said there's go, 20th he said there's going to be early closings, this is the 14th. Just April 30 this year, he said there's going to be early closing in Hana tomorrow. And, you've got this resolution here and you've already told him he doesn't need it and he's going to close early. And, what about the invisible people that got to go home? Where are they in the reality, okay? Wrong.

And, then he says, on September 10 when Gladys went forward and encouraged him and couched him, and massaged him into letting his ego go, he said I want to do this to avoid bickering, okay. Avoiding bickering, he's such a noble creature. And, then blaming Councilwoman Gladys Baisa for promising that they'd give him the bill. He's an adult, there was no promises, she can't give promises. And, that's what we're dealing with is a mechanism that presents no government. It's not entrepreneurial model versus our structure; it's no government, no model. And, that's where this takes us and you will protect us, you'll stand by or you'll participate. So, there's a legal question. By approving this resolution, does that mean you affirm the conduct?

In your report, you say at page 3, there were two positions created that you didn't envision. Did you get a notice pursuant to law regarding the creation of these non-envisioned personnel? And, aren't you required to do that? I could be wrong.

Operations fund used for CIP, okay. You look at this budget general provision, and you look at "B" of that. And, you'll see you can't use operation funds in a Tavares budget, in the first Lingle budget. You couldn't use it, okay. And, now we are so lucky to have a program budget. And, that's a bifurcation of budget and capital program. And, capital program, you can see in Tavares budget, goes and tells you. And, budget has to do with other current expenses, not programs. Look at your resolution, tell me where you are when you have a fund in a program. I will end at that. Thank you very much.

CHAIR WHITE: Yes, you can tell when I start leaning towards the mic.

MR. SMITH: You were.

CHAIR WHITE: Thank you very much. Thank you for your testimony.

Members, any clarification needed this morning? Thank you for being here Mr. Smith.

MR. SMITH: Aloha.

CHAIR WHITE: Appreciate your testimony.

Mr. Clerk.

COUNTY CLERK: The next testifier is David Jung testifying on County Communication 15-121, to be followed by Joseph Pluta.

MR. DAVID JUNG (testifying on County Communication No. 15-121):

Mr. Chair and County Council, it's an honor to talk to you today.

CHAIR WHITE: Good morning.

MR. JUNG: I'm here to testify in support of Councilwoman Crivello's initiative to try to get some funding for the ferry. We started running the ferry back in 1987 at the request of Governor Waihee. He saw that Molokai was being isolated. He saw that Molokai was losing jobs with the shutdown of pineapple. And, he convinced us to start a new service operating out of Molokai, and turning Molokai into, basically, a bedroom community where people could come to Maui and work, and go back home at night, and bring the money they made back to Molokai.

The State supported that project for 10 years. They basically chartered the first and last trip, we did two roundtrips a day; one in the morning over and back and one in the afternoon over and back. The tune back in the 90's of about \$30,000 a month. And, that's why we based the boat out of Molokai. Very difficult running an operation out of Molokai, very limited mechanics, support staff. When you're trying to find somebody to work on your car here on Maui, just try doing that on Molokai, it's very challenging.

The ferry throughout the years has seen a decrease in ridership as hard times have come to Molokai. When the Sheraton, excuse me, shut down, Pau Hana shut down, watermelon faded away, coffee slowed down. Now we have GMO restrictions. Molokai is in hard times. And, when you don't have money to travel, you don't travel. So, our ridership numbers have continued to decrease, and decrease, and decrease.

Governor Cayetano got angry with Molokai and suspended the subsidy. And, the ferry has been still subsidizing the workers. Back when we started, we had 150 workers, now we have 8. The focus of the ferry has changed from providing work transportation to bringing the community together with Maui.

I saw this young lady talking, full of promise, full of positive, her future is bright, and I really hope the young people of Molokai will have the same opportunities. But, if they're isolated and left alone, it's going to be very tough.

The ferry cannot make it on its own any longer. We are fighting with the PUC consumer advocate who does not want us to change our schedules. So, the ferry is going to go broke. The County has come forward with the proposal.

CHAIR WHITE: Mr. Jung.

MR. JUNG: I'm going to go to the State next. If you have any questions, I'm here to answer them for you.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Thank you, Mr. Jung.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea, please, and real simple. You said, the State will not let you change your schedule?

MR. JUNG: That is correct. We've been, we noticed our numbers plummeting when Hawaiian Air started flying out of Molokai.

COUNCILMEMBER VICTORINO: Okay.

MR. JUNG: Hawaiian Air has their new ATR aircraft and they have a lot of seats. Our numbers have dropped about 30 percent. Hawaiian Air is the eighth largest airline in the country, sales of over \$2.3 billion. They can afford to run at a loss and run unprofitable routes for a long, long time. Our company simply is upside down and cannot do that.

COUNCILMEMBER VICTORINO: So I, again, my question is why, how come the State regulates your schedule? Is it, is it under the PUC?

MR. JUNG: It is under the PUC.

COUNCILMEMBER VICTORINO: Okay. Okay. Okay, I got it.

MR. JUNG: And, it is a consumer advocate.

COUNCILMEMBER VICTORINO: Okay, thank you. I got it. Thank you very much, Chair, I appreciate it. Thank you, sir.

CHAIR WHITE: Thank you, Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And, thank you very much, Mr. Jung, for being here this morning. I don't think I've had the pleasure of getting to know you personally. But, you may remember in 1987, I was the Director of MEO and we worked with you on bringing all those farm workers to, and I thought that was just the most wonderful thing that happened. It just saved so many families from, you know, total economic destruction.

But, question for you, and I don't know if you can talk about it cause you're in some kind of negotiation, but what kind of a schedule would you think would work?

MR. JUNG: To be honest, very, very honest--

COUNCILMEMBER BAISA: Yes.

MR. JUNG: We don't really know until we try it and see what the ridership does. But, instead of two roundtrips, we need to do one roundtrip. And, in my mind, it would be better to offer only weekend only service if that's what it took to stay alive. The ridership continues to decrease.

Airlines are very, very efficient as long as Hawaiian Air will keep lots of flights available and keep the prices reasonable. I don't blame anyone for trying to save money and, and go that way.

COUNCILMEMBER BAISA: I see. Well, I want you to know that I'm very supportive of the ferry. I think it's a wonderful alternative.

You know, although Hawaiian Airlines might be economically cheaper, it's the luggage situation. You know, I've been on the ferry when the teams are travelling and there's hardly a room to sit because the kids bring everything and anything, and that is such an advantage for them.

So, again, thank you for all you've done. And, we wish you the best and hope we can work this out.

CHAIR WHITE: Members, any other need for clarification? Seeing none, thank you very much for being here this morning, Mr. Jung.

MR. JUNG: I'd like to make one comment.

CHAIR WHITE: Well, this will be referred to committee. So, you'll have another chance to.



MR. JUNG: I appreciate the power this body has and I hope you're behind us. Thank you, mahalo.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: The next testifier is Joseph Pluta. And, following Mr. Pluta we, I will be returning to the Molokai District Office.

MR. JOSEPH PLUTA (testifying on Committee Report No. 15-46):

Good morning, Council Chair White, Councilmembers, thank you. My name is Joseph Pluta, I'm the President, I'm here, I've got many hats on, today I'm President of the West Maui Improvement Foundation.

And, that's appropriate I guess, because we were involved in your items number 15-46 and 15-47 on your agenda today, and way back, some other things that you had on your agenda. I, I say that because, I see Councilman Carroll here and many of you who were there back in 2002 when we were talking about getting the land use entitlements for the West Maui Hospital. And, this Council was unanimous in its support of a resolution authored by Councilman Carroll to urge the State of Hawaii and the Governor to expedite all necessary approvals for a West Maui Hospital.

So, you've got a history here of, on this issue. And, so do I, much longer than I ever imagined back in 1999 when I started at the urging of our community and the West Maui Improvement Foundation to do something about improving healthcare in West Maui. That started when we built our own fire and ambulance station, the West Maui Improvement Foundation, with private funds because the County and State recognized we needed better health and safety there but said it wasn't in the budget. So, we raised our own money with private money and built our own fire and ambulance station, Napili, and turned it to the County to administrate.

Right after that, the next thing was, well, that, that's great but we can't get to the hospital in time to save lives. So, we need to have a West Maui Hospital. Could, who'd be doing that? And, as a volunteer, of course, I was chosen to do that. And, I was told it would be impossible and never happen. But, we all know, with all, with God all things are possible.

So, in the community we built our case, we proved our case. This Council supported that and we went on to get that zoning and entitlements for the West Maui Hospital only to be, finding at the last minute through a State change in law and use and entitlements that prohibited a final grant of permanent easements on ceded lands. The vital strip of land we needed to get to our initial hospital site was prohibited because it was on ceded lands and therefore, the only other access way into that site would have cost \$8 million more and made the project unfeasible at that site.

So, there's a lot of obstacles that happened. So, since I got two resolutions, do I get another three minutes for the second one or am I, am I limited to three minutes on just one of them?

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, if you take a look at the, how many items did he say?

CHAIR WHITE: He signed up for just one.

COUNTY CLERK: That would be just three minutes, Mr. Chair.

CHAIR WHITE: Yea. We understand your passion for the project and I don't think there's too much of a, a problem with this item. So, we'll have to limit you. Next time you come, do like Mr. Smith did and you note on your form that you're signed up for multiple.

MR. PLUTA: Perfect. Thank you very much. God bless you. Aloha.

CHAIR WHITE: Thank you, Mr. Pluta.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, returning to the District Offices.

Molokai Office, please introduce your next testifier.

MS. ALCON: There is no one here waiting to testify at the moment.

COUNTY CLERK: Thank you. Next testifier in the chamber, George Lavenson testifying on Committee Report 15-46 and 15-47, to be followed by Rosemary Robbins.

*(Councilmember Baisa was excused from the meeting at 9:50 a.m.)*

DR. GEORGE LAVENSON (testifying on Committee Report Nos. 15-46 and 15-47):

Good morning, Mr. Chairman, Councilmembers. I have to applaud you for coming all the time to these meetings. I assumed you'd make it once every ten years. What I'd like to talk about is the West Maui Hospital. And, at age 83, take these out otherwise I don't talk loud enough.

*(Councilmember Crivello was excused from the meeting at 9:50 a.m.)*

DR. LAVENSON: But, at age 83, there's probably nobody more interested in having good medical care for life threatening conditions than I am. And, as a physician with 50 years of experience as a general vascular and trauma surgeon, nobody has that kind of experience in dealing with life threatening conditions.

Now, the West Maui Hospital, while we need it for some things, has been portrayed as being lifesaving. And, that is not realistic and that's what I want to talk about. Now, the life threatening conditions are primarily those that are immediate and need immediate attention are heart attacks, strokes, and trauma or serious accidents.

*(Councilmember Baisa returned to the meeting at 9:51 a.m.)*

DR. LAVENSON: And, with heart attacks, you, all of these, you have to have complicated treatment, and generally within the golden hour. And, so with heart attacks you have to go to a facility that has cardiac cath lab that put the catheters in, open the coronary arteries that are blocked causing the heart attack; interventional cardiologist, cardiac surgeons, ICU, all of that.

For strokes, a special stroke team as we have here, putting catheters up, helping to dissolve the clot blocking to the arteries of the brain in this case.

And, in trauma, serious accidents, you need a host of different surgical specialists, nurses, blood bank, operating rooms, all kinds of things that must be applied very quickly. And, if those are delayed beyond the golden hour, the mortality and the disability go way up.

Now, Maui Memorial can provide these things. We have a excellent cardiac team, some of the best results in the world. Stroke team has additional things that we didn't have in California at a, at a hospital I was at. And, the trauma system, now at Level 3, which is very high, has a better survivability record than the average in the United States.

On the other hand, West Maui Hospital while, you know, the meaning and desire is good, in no way can have that. We have no specialists over there. You can't have a cardiac cath team, specialist, surgery, all of that. And, it just isn't feasible, to be an additional urgent care center or those kind of things, would take the load off emergency room at the hospital and, and be a real convenience to the people.

And so my recommendation is that we help to enhance getting Maui Memorial to maintain what they have and enhance it by supporting additional funds plus the partnership that's recently been approved, but add a level of personnel that will allow it. And, that we scale back and be more realistic in our planning for the West Maui Hospital.

So, again, I, I thank you all for allowing me to hear this, for hearing this and I'd be very happy to answer any of your questions.

CHAIR WHITE: Thank you.

Members, any need for clarification?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair. And, good morning, Doc Lavenson, nice to see you here today and thank you for your sharing. So, the West Maui Hospital has been called, I think an acute care center, or of some sort and, that difference between the Maui Memorial Hospital, is there a difference?

DR. LAVENSON: You know, I'm glad you brought that up. What they've been, are designated as is a acute, yea, acute, I'm blacking on the name now, access hospital; acute access hospital. Simply meaning, it's remote and reimbursed by Medicaid higher than otherwise but, not an acute care hospital. And, that's the difference. Maui Memorial is an acute care hospital. West Maui would be acute access, but not acute care in a sense of immediate care of life threatening conditions.

COUNCILMEMBER COCHRAN: Thank you for the explanation.

DR. LAVENSON: Yea, thank you, Elle. We've worked on things together.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair and thank you, Dr. Lavenson for being here. From your testimony, I'm not sure if I get whether or not you're supporting the West Maui Hospital. Do you support having it there?

DR. LAVENSON: I . . . West Maui medical facility can be a real value by handling the mid-level and more minor emergencies, taking a load off the emergency room at Maui Memorial Medical Center, and a great convenience to the people on the west side. There are other lower level medical assets that can be of real value on the west side. But, not to portray it as a lifesaving hospital. There, they call themselves the lifesavers on the website with lifesaving t-shirts, and there's a picture of a ambulance behind a string of cars but the lights aren't on. And, I know from the photographer it was not an emergency mission, if you will.

And, it was mentioned getting there on time. Now . . . paramedics are excellent and they can get there, you know, within the golden hour or well ahead of it. And, we only have two lanes, a wide bike lane, I know cause I bicycle, and the cars can get out of the way and the ambulances go through. Unlike Oahu, you know, on H-1 there's walls on each side of three or four lanes and nobody can get by at all.

And, the other thing, like if you have a heart attack and the paramedics will hook you up to an EKG, it goes wirelessly to the hospital, they can read it. And, if it looks like it is a myocardial infarction, a heart attack, ST elevation, QAS and all that, immediately the cath team is called in. And, so while they are assembling, you're on your way over there. And, you can go directly through the emergency, right into the cath lab, get your coronary artery opened up and save your life.

And, again, if we don't have that, if we like going back more to the Maui Memorial Medical Center, but if we let that denigrate, if the personnel costs are so high that we can't sustain as now, and that is a major overhead factor. If the Governor doesn't put together with the team something that is tenable and will attract a partner, it will be dangerous to be on this island if you have a heart attack, or a stroke, or a bad accident. At my age, I could have a heart attack or stroke.

And, I'll also have to tell you I had trouble getting in here this morning cause when I got here I couldn't open my car doors, and it's a BMW. And, I didn't know if I was going to be trapped or able to get here. And, then it occurred to me I could open the windows. So, I crawled out through the window, and I have driven NASCAR before so I knew how to do that. So, from here I will go over to BMW. So, anyways, you know, if I have a heart attack or stroke, and the other thing is I could have an accident as you've just heard from the way I drive.

CHAIR WHITE: Thank you very much, Dr. Lavenson.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR WHITE: Any further clarification needed, Members? Seeing none, thank you very much.

DR. LAVENSON: Thank you very much.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Rosemary Robbins. Mr. Chair, Rosemary Robbins is the last individual that had signed up in the chamber. And, Ms. Robbins will be testifying on County Communications 15-126, Bill 16 and Bill 17.

MS. ROSEMARY ROBBINS [testifying on County Communication No. 15-126, Bill Nos. 16 (2015) and 17 (2015)]:

Good morning, everybody.

CHAIR WHITE: Good morning.

MS. ROBBINS: Bill 15-126 *[sic]* has to do with our opportunity to be heard. Hooray for Sedona. She talked about that early this morning. God love her with her inspiration about the fact that we need to be able to stand up individually for ourselves. We don't need to be an LLC.

Folks who don't understand what this, it's Limited Liability Corporation. It's not an individual. It's a collection of people who have gotten together. LLC, Limited Liability; don't try and sue us, we're bigger than you are. There's something wrong with having that be the prevailing outlook from our U.S. courts.

And, so we have a communication in here today from our Representative Mike Victorino. And, I really appreciated that having been brought to the public's attention. Attached to that is material that I would like to make sure we all understand. That was a split decision by the U.S. Federal Court. It was not unanimous. And, this resolution that you're going to be asked to deal with today is talking about reversing that, title of that, being citizens united. Really, a corporation unto itself.

And, so I am recommending that for folks who may not have had the time, some of us have had to go over the materials. The nice folks at the lobby, downstairs, helped me to look up what page of our Maui telephone book has the telephone numbers of

our Federal Representatives and Senators in Washington D.C. They kindly wrote out page 2 of the telephone book with the red margin, gives the telephone numbers of Senators and Representatives at the Federal level. And, I'm giving the reminder that that's a six hour differential; they're six hours earlier than we are if you're calling over to Washington for that.

There are also local numbers that can be received, that can receive calls. And obviously for folks who are using electronic communication setups, those were not in the phonebook but they certainly are available. I'm trusting they're available on the web.

So, would just like to point out that in reversing that, I don't know if you've seen this. I've seen this around town in a number of places. It's called the Constitution of the United States labeled in its pocket for people to take, it's free. And, the very first amendment of the U.S. Constitution reads in part, it's to petition the government people to petition the government for a redress of grievances. That's something that has been done before.

You might have heard of prohibition when they knocked off the opportunity for people to deal in alcohol, and then they reversed that. So, it's not the first time, and there are others, not the first time that that has been an opportunity given to the people they have taken advantage of. So, grab one of these when you see them. They're downstairs right on second floor lobby marked for free, where you pay your water bill, okay.

My other two issues are about water. Since my initial involvement with the Upcountry Oversight and Advisory Committee back in the early 2000's, we dealt with the EPA, we got a half million dollars which was worth a whole lot more then than it is now. And the rate of return from that, we were notified by . . . so we didn't have control over the money. But, we had responsibility, accountability to address the problems with the Upcountry water. They were both biological and mechanical, structural sorts of things. True or false, we're still dealing with those problems, hello. So, this many years later, that still is an issue.

And, when we look at the item that is before us, today on that, Bill 16 and Bill 17 are both talking about water. And, one of the highest levels of money that has been required to put out estimated revenues, this is in Bill 16 now, estimated revenues that the Water Fund, nine million four hundred and eighty-four dollars six hundred and fifty-two cents. Who's providing that? Citizens.

Okay, over on the second page for the Department of Water Supply, it talks about debt service; \$4,445,447 for that. If you do it right, timely and to begin with, you don't end up with the debt services that are escalating by the minute, it would seem. So, that's on item 16. And, on item 17, oh before I leave, 16, it also talks about, I just talked about that on the other page. Thank you.

On item 17, it's from a number of departments, and it talks about estimated revenue that \$9,484,652. We go over then to the Department of Environmental Management, the debt service, \$9,311,210. If we did the right thing at the right time on that, we wouldn't have those kinds of debt services for sure.

*(Councilmember Crivello returned to the meeting at 10:04 a.m.)*

MS. ROBBINS: Over on Section 5, when it talks about adjusting the costs and the revenues. One of the things that I read in this morning's paper talked about students would be able to play golf for \$2 at the golf club, up in the North Shore here. I hope that's not going to raise havoc with the attendants of the schools. Is anything written into that, that that would have to be on non-academic hours, I hope?

Okay, so also in the debt service of Environmental Management, we're talking about \$5,002,834, again done on time and done effectively doesn't add up to those kinds of numbers.

The debt service for highway funding, \$5,419,692, something is terribly wrong systemically. There's a huge pattern here of need for improvement. So, when we're dealing with adjusting the 2015, we only have a few weeks left of that budget. And, entering into the 2016, I thank you very much for how hard you folks have worked to recognize those problems are there, and to take the initiative, and the long hours that you've been taking, and savvy thinking to be able to not continue in those very destructive patterns. We talk about our children and our grandchildren. We need to walk that walk. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins. Members, any need for clarification?

Seeing none, thank you for being here this morning.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.



COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there is any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. LONO: There's no one waiting to testify at the Hana Office.

COUNTY CLERK: Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

COUNTY CLERK: Molokai Office, are there any additional testifiers?

MS. ALCON: There is no one here on Molokai waiting to testify.

COUNTY CLERK: Mr. Chair, there's no additional individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you very much, Mr. Chair, Mr. Clerk. Has any written testimony been submitted?

COUNTY CLERK: Mr. Chair, we have received written testimony.

CHAIR WHITE: Okay. And, Members, I was informed by staff that Mr. Pluta should have been given his extra three minutes for the, for the other item.

Please proceed.

MR. JOSEPH PLUTA (testifying on County Communication No. 15-47):

Thank you very much, Chairman White and Councilmembers. Thank you. I was testifying on both those things that as I was going on to where I concluded was for the initial site being too expensive. Now we're to the sec, this new site that had to be subdivided out of a larger site. I want to thank Howard Hanzawa and Kaanapali Land Management Company for cooperating with us.

I was part of the Kaanapali 20/20 community organization, which I also was a charter member of since its inception to, in order to help improve the west side. And, the Kaanapali 20/20 community plan showed healthcare facilities thanks to their reorganizing that lot, the major lot. They were able to subdivide this smaller portion. And, this we believe, the developers paid for now and would be an ideal site for the West Maui Hospital.

And, I'm glad I had an opportunity to hear Dr. Lavenson because the whole case about whether what's a lifesaving or not lifesaving was proven when we got the Certificate of Need which from the State of Hawaii, where they had medical professionals who, who are, you know, in charge with the duty to regulate what was lifesaving and not lifesaving.

And, I wish people only died of heart attacks, period. But, unfortunately, there's a lot of other things they die from. And, when I've talked to emergency physicians, which we have reams of testimony from, emergency physicians, how many lives will be saved at that West Maui Hospital. So, it's not just heart attacks that people die from that need emergency care that we can and will be able to provide for in the emergency room at the West Maui Hospital.

So, I just thank you, Councilmembers for your support of expediting the necessary land use approvals and entitlements to make this a reality for the West Maui community and for Maui island. For many people who live elsewhere might find themselves in West Maui at some point in time and need access. I know we have about 25 or 30,000 workers there every day who tran, who commute from the other side of the islands there. And, there's accidents that happen all the time.

And, I, so there's plenty of testimony about that. Thank you very much for the hard work you've been doing on that. And, that's it, that concludes my testimony.

CHAIR WHITE: Thank you very much, Mr. Pluta.

Any clarification needed, Members? Seeing none.

MR. PLUTA: Thank you.

CHAIR WHITE: Thank you for being here this morning.

Members, is there any objection to receiving the written testimony into the record?

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY  
RECEIVED FROM THE FOLLOWING WERE MADE A PART  
OF THE RECORD OF THIS MEETING:

1. Jim Smith;
1. Brandi Imakyure;
2. Dawn Mains, Molokai Middle School;
3. Leah Quiniola;
4. R. Kahea Tancayo;
5. Stephen "Fergie" Ferguson; and
6. Lee DeRouin, Molokai High School.

CHAIR WHITE: Thank you very much.

DR. LAVENSON: Mr. Chair, is it all right if I also--

CHAIR WHITE: No, you, you've had your opportunity. But, thank you very much for being here this morning.

DR. LAVENSON: --but since Mr. Pluta had a second chance I thought perhaps I could--

CHAIR WHITE: You did have a, you did sign up for the second one. You didn't use. I, I will allow you to take a couple of minutes.

DR. LAVENSON: I won't need all the three minutes. You know, first I'd like to explain what we're talking about on these life threatening conditions. These are things that have to have very complicated treatment and within the golden hour. And, the worst thing that can happen to such a patient, whether it's trauma, heart attack, or stroke, is to go to a facility that doesn't have those and waste the golden hour. It happens.

This is not only nationally but universally, in all the nations, this is the way you do it. And, not to do it is wrong, to take a patient to a facility that can't do it.

Also, like to mention that, in case, yea I'm kind of old, but I'm still active, in fact I teach trauma at the Military Medical School in Bethesda, Maryland, and I'm also a teacher of advanced trauma life support at Queen's Hospital on Oahu. In fact, I'm doing it this coming Saturday.

*(Councilmember Baisa was excused from the meeting at 10:11 a.m.)*

DR. LAVENSON: And the other thing I'd like to mention that, if you were to scale it down to a more appropriate size, it'll, it reduces the support necessary from everybody else here on Maui and the government too. And, what often happens is you put up a medical facility and all of a sudden those who are sponsoring it, in real estate in particular, the property of the land goes way up before the pharmacies and the paramedical things that get established there.

So, there's a lot of other factors that go into some of this. Some of its well meaning and there, there can be other factors as well.

And, the last thing, I'll just mention is the . . . the hospital trying to get like fifty million to support it and they've gotten a lot of donation from the public that we wonder, some wonder where it goes. But, fifty million is their now goal. At the same time, Maui Memorial got cut back twenty-eight million with more to come next year. And, this is the critical one that we all need for our lives. So, there is some disparity in there. And, I'm not just saying don't do it, but make it appropriate.

And, the other thing is, that Joe mentioned, there's some emergency physicians with a small emergency rooms that are looking for a contract. But, every physician I know on the island dealing with the serious medical matters cannot see this. And, on their board and foundation, they have real estate people, very prominent and well-respected politicians people, but not one, and they have a psychiatrist who's a friend of mine, but not one physician dealing with life threatening acute medical matters. And, to me that's telling because we need to be there too. So, thanks for letting me get back in again, Mike.

CHAIR WHITE: Thank you very much, doctor.

And, with that Members, without objections, the Chair will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting of February 18, 2015, special meeting of March 3, 2015, regular meeting of March 6, 2015, and special meeting of March 30, 2015, were presented at this time.

*(Councilmember Hokama was excused from the meeting at 10:13 a.m.)*

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE REGULAR COUNCIL MEETINGS OF  
FEBRUARY 18, 2015; A SPECIAL COUNCIL MEETING OF  
MARCH 3, 2015; REGULAR COUNCIL MEETING OF  
MARCH 6, 2015; SPECIAL COUNCIL MEETING OF  
MARCH 30, 2015.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. Members, we have a motion from Vice-Chair Guzman and a second by Member Victorino. Further discussion?

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you. Members, you know the motion on the floor. Please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", two "excused"; Members Baisa and Hokama.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

CHAIR WHITE: Mr. Clerk, we're going to, we're going to take a brief recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:14 A.M., AND WAS RECONVENED AT 10:17 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER BAISA, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will please come back to order.

Mr. Clerk, please proceed.

COMMITTEE REPORT

NO. 15-43 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 15-49, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE MANAGEMENT FUND FISCAL YEAR 2015 BUDGET", be ADOPTED; and
2. That County Communication 14-306, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 15-43,  
AND ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Members there is a motion from Mr. Hokama, and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, all I'll say is that working with Finance Director Agsalog, we will be making some adjust, adjustments on processing and we shall do our best to avoid this type of request before Council in the upcoming budget year. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", one "excused", that's Member Baisa.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 15-49.

#### COMMITTEE REPORT

NO. 15-44 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 19 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE,

COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 20 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, POST-EMPLOYMENT OBLIGATIONS FUND", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 15-57, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT COMMITTEE REPORT 15-44, AND ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

I SECOND THE MOTION, MR. CHAIR.

CHAIR WHITE: Members, we have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama, further discussion?

COUNCILMEMBER HOKAMA: I would just add, Chairman, that your Committee reviewed the requests thoroughly. I believe the Members did a very good job in due diligence in understanding the situation, as well as comments from our County Auditor.

I would say now that we have a policy pretty much set in place on the expectations or the direction of Council, and how to deal with our post-employment obligations, timing of submittal of payments. I foresee that this should not be an issue before the Council very shortly. And, we will maintain our policy till such time as it deserves additional review and adjustments. Thank you.



CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILLS 19, and 20 (2015), respectively.

COMMITTEE REPORT

NO. 15-45 - COMMITTEE OF THE WHOLE:

Recommending that the correspondence dated April 10, 2015, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Stratford Goodhue and Doreen Goodhue v. County of Maui, et al., Civil 14-00006 ACK/KSC, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF THE  
COMMITTEE OF THE WHOLE IN REPORT 15-45.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: It's been moved by Mr. Guzman and seconded by Ms. Crivello.

Further discussion?

VICE-CHAIR GUZMAN: Thank you, Chair. On April 20, 2015, your Committee met to consider a proposed resolution to authorize the Department of Corporation Counsel to settle the case of Stratford Goodhue and Doreen Goodhue v. County of Maui, et al., Civil No. 14-00006 ACK/KC, KSC on behalf of the County.

The complaint alleges on or about October 5, 2013, First Amendment violations. The Goodhue's seek declaratory injunctive relief, attorneys' fees, costs, and actual and nominal damages.

Your Committee decided against authorizing settlement of this case and voted 7-0 to recommend filing of the correspondence from the Department of Corporation Counsel. Your Committee notes filing of the correspondence does not resolve the ongoing claim, but merely disposes of the matter pending before your Committee.

I ask for the, the Council's support for your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", one "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-46 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 21 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN, RELATING TO PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) SITUATED AT HONOKOWAI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 22 (2015), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 23 (2015), entitled "A BILL FOR AN ORDINANCE ESTABLISHING PERMISSIBLE LAND USES AND STANDARDS OF DEVELOPMENT FOR THE HEALTH AND WELLNESS DISTRICT WITHIN WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA), CONSISTING OF APPROXIMATELY 14.99 ACRES AT HONOKOWAI, LAHAINA, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER", be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That Bill 24 (2015), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER", be PASSED ON FIRST READING and be ORDERED TO PRINT;
5. That the County Clerk RECORD the unilateral agreement; and
6. That County Communication 15-65, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE  
COMMITTEE REPORT 15-46.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Ms. Cochran.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. On March 19, 2015, your Committee held a site inspection and meeting in Lahaina, to consider the proposed bills transmitted by the Planning Director on behalf of Newport Hospital Corporation, to grant a Community Plan Amendment, District Boundary Amendment, and Change of Zoning, and to establish permissible land uses and standards of development for a 14.99-acre health and wellness district with a 310-acre West Maui Project District 3.

The proposed bills would facilitate the development of the proposed West Maui Hospital and Medical Center. The land is located along Kakaalaneo Drive, at intersection of Honoapiilani Highway and Honokowai, Maui.

Newport Hospital Corporation proposes to develop a 25-bed Critical Access Hospital (including 24-hour-day care, emergency care), a 40-bed skilled-nursing facility, a 40-unit assisted-living facility, two medical office buildings, a 40-bed substance-abuse-rehabilitation facility, and related on-site and off-site improvements.

Your Committee notes that the project is needed because West Maui has limited healthcare facilities, including no emergency room, no skilled-nursing facility, and no assisted-living facilities. Maui Memorial Medical Center in Kahului is 22 miles from Lahaina, providing the emergency room that is nearest to West Maui. Honoapiilani Highway is the primary means of access to Maui Memorial Medical Center from the West Maui, is subject to occasional heavy traffic and can be closed when there is serious traffic accidents, major fire, flooding, or severe weather.

At the request of your Chair, the Department of Corporation Counsel transmitted a revised proposed project district bill. Deleted from the revised proposed bill are the proposed amendments to Section 19.04.040 and 19.36A.140, Maui County Code, which would have countywide application but were not reviewed by the Lanai and Molokai planning commissions.

The revised proposed district bill, excuse me, incorporates chiropractic services and medical diagnostic services into the list permitted uses for the proposed health center and wellness district, consistence with the expanded uses originally proposed in the definition of "minor medical center". It also clarifies that the development standards pertain to the health and wellness district only. Uses and development standards for the remaining 295 acres of West Maui Project District 3 are not described in the bill.

Your Committee recommended the single condition of zoning recommended by the Maui Planning Commission be revised to incorporate language provided by the State Department of Transportation.

I ask for the Council's support of the recommendation to pass on the four bills as revised. And, I will say that congratulations to the Lahaina community. Since I've been involved, it's been 13 years. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILLS 21, 22, 23, 24 (2015), respectively.

COMMITTEE REPORT

NO. 15-47 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 25 (2015), entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO AGRICULTURE FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 26 (2015), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM URBAN TO AGRICULTURAL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 27 (2015), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, FORMERLY IDENTIFIED AS THE PROPOSED WEST MAUI HOSPITAL SITE", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 15-64, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE  
COMMITTEE REPORT 15-47.

COUNCILMEMBER COCHRAN:

CHAIR, SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion from Mr. Carroll and a second from Ms. Cochran.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. On March 19, 2015, your Committee met in Lahaina to consider proposed bills transmitted by the Planning Director on behalf of the Newport Hospital Corporation for a Community Plan Amendment from Public/Quasi-Public to Agricultural, a District Boundary Amendment from Urban to Agricultural, and a Change in Zoning from P-1 Public/Quasi-Public District to Agricultural District for approximately 14.95 acres in Lahaina, Maui, Hawaii, because the property will no longer be used for the proposed West Maui Hospital

Your Committee notes Kaanapali Land Management Company owns the property, which is located near the Lahaina Civic Center. The property received requested land use entitlements to accommodate the proposed West Maui hospital in 2009. Ordinances 3658, 3659, and 3660 granted a Community Plan Amendment from Agricultural to Public/Quasi-Public, a District Boundary Amendment from Agricultural to Urban, and a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District, respectively, for that purpose.

Your Committee further notes the hospital is no longer planned for this particular property. For that reason, Kaanapali Land Management Corporation would like to return the property to its former Agricultural designations. Currently with the transmittal of County Communication 15-64, the Planning Director transmitted County Communication 15-65, requesting land use entitlements for a new proposed hospital site owned by Newport Hospital Corporation.

These entitlements were the subject of the Committee Report just considered by the Council moments ago. Your Committee voted 6-0 to recommend passage of the revised proposed bills on first reading and filing of the communication. I ask for the Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? Seeing none.

COUNCILMEMBER COCHRAN: Chair, Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And I, and I want to give kudos to Director Spence who had reached out and figured out that this would be the most expeditious manner of fulfilling this, this recommendation that we're looking at today. And, so, it was nice of him to, you know, really search it out to see what would be the quickest way.

And, it was interesting that, I think Mr. Pluta had mentioned that it, basically, you know, perpetual easements cannot be given on ceded lands, which this is the case too. So, and I'm glad Kaanapali Land Management had other places for this project to move to.

And, here we are today approving everything and seeing ground will be broken and things will start happening. Cause a long, long awaiting people in the public such as Mr. Carroll has been involved, and obviously Mr. Pluta and others in our community. So, thank you for this opportunity, Chair.

CHAIR WHITE: Thank you.

Any further comments, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILLS NO. 25, 26, 27 (2015), respectively.



COMMITTEE REPORT

NO. 15-48 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-50, entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION", be ADOPTED.

*Approving the appointment of Jarrett Wong to the Maui County Cultural Resources Commission, for a term expiring March 31, 2020.*

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATION OF  
COMMITTEE REPORT 15-44 [S/C].

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: No, I believe we are on 48.

COUNTY CLERK: 48.

COUNCILMEMBER VICTORINO: 48, yea? Oh, I said 44, I apologize, 48. I apologize.

CHAIR WHITE: No problem. So, the, if you could restate your motion.

COUNCILMEMBER VICTORINO:

YEA, THEN I MOVE TO ADOPT THE RECOMMENDATIONS  
IN COMMITTEE REPORTS 15-48.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Thank you. We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. At the meeting of April 20, 2015, your Policy and Intergovernment Affairs Committee recommended the approval of the Mayor's recommendation of Jarrett Wong to the Maui County Cultural Resource Commission.

Your Committee requested additional information related to Mr. Wong's lengthy, length of residency on Maui and his culturally related experiences. I have received from the Mayor's Office, the only response I got is that he has not been very active in cultural matters. All his cultural dealings is through his job at Robert's Hawaii. And, that's where his, you know, knowledge and experience basically comes from, and he's worked in that area. So, that's all I can report to this point, as far as this candidate is concerned. So, I respectfully ask the Council to consider the motion at this time.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure, I believe passes with just one "no". Measure passes with seven "ayes", one "no", and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-50.

COMMITTEE REPORT

NO. 15-49 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-51, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI", be ADOPTED.

*Approving the appointment of Juanita Reyher-Colon (Molokai) and Max Kincaid Jr. (Lanai) to the Board of Variances and Appeals, for terms expiring on March 31, 2020.*

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO, TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORTS 15-49.

COUNCILMEMBER COUCH.

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. At the meeting of April 20, 2015, your Policy and Intergovernment Affairs Committee recommended the approval of the Mayor's nominations of certain members to the various boards, commissions, and committees.

Your Committee was satisfied with, satisfied that Ms. Reyher-Coloma, Colon, I should say, and Mr. Kincaid were qualified to serve on the Board of Variances and Appeals. I respectfully ask the Council for their consideration on this motion for both candidates. Thank you, Mr. Chair.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-51.

Mr. Chair, proceeding with county communications.

### COUNTY COMMUNICATIONS

NO. 15-118 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated April 17, 2015)

In accordance with Section 3.48.135 and Section 3.48.535, Maui County Code, transmitting the Fiscal Year 2015-2016 certification of the net taxable real property valuations within the County of Maui.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE TO FILE 15-118.

COUNCILMEMBER VICTORINO:

SECOND THE MOTION, MR. CHAIR.

CHAIR WHITE: We have a motion by Mr. Hokama and a second by Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No discussion.

CHAIR WHITE: Thank you.

Any discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

NO. 15-119 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated April 24, 2015)

Transmitting the semiannual report regarding park dedications for each community plan area for the period of October 1, 2014 through March 31, 2015.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Chair, I would just request that this be referred to Committee.

CHAIR WHITE: Okay, without objection, we'll refer this item to Committee.

MEMBERS VOICED NO OBJECTION.

County Communication No. 15-119 was referred to the Economic Development, Energy, Agriculture and Recreation Committee.

CHAIR WHITE: Okay.

Mr. Clerk.

NO. 15-120 - ALAN M. ARAKAWA, MAYOR,  
(dated April 14, 2015)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Cultural Resources Commission due to the resignation of Gaylord C. Kubota on April 13, 2015.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 15-120.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: There's a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. Seeing that no action is needed by the Council and this is for information purposes only, I would like to take a moment to thank Gaylord Kubota for his years of service to this County and wish him well. Thank you, Mr. Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following county communications are recommended to the following Committees as noted:

NO. 15-121 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated April 13, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, ECONOMIC DEVELOPMENT REVOLVING FUND".

The recommended action is that County Communication No. 15-121 be referred to the Budget and Finance Committee.

NO. 15-122 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated April 23, 2015)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of February 28, 2015.

The recommended action is that County Communication No. 15-122 be referred to the Budget and Finance Committee.

NO. 15-123 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated April 22, 2015)

In accordance with Resolution No. 99-26, transmitting a report of short term investments for the quarter ended March 31, 2015.

The recommended action is that County Communication No. 15-123 be referred to the Budget and Finance Committee.

NO. 15-124 - LANCE T. HIROMOTO, DIRECTOR OF PERSONNEL SERVICES,  
(dated April 24, 2015)

Informing of the abolishment of positions in various County departments.

The recommended action is that County Communication No. 15-124 be referred to the Budget and Finance Committee.

NO. 15-125 - MICHAEL P. VICTORINO, PRESIDING OFFICER PRO TEMPORE,  
(dated April 14, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE DEPARTMENT OF THE PROSECUTING ATTORNEY".

The recommended action is that County Communication No. 15-125 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-126 - MICHAEL P. VICTORINO, PRESIDING OFFICER PRO TEMPORE,  
(dated April 28, 2015)

Transmitting a proposed resolution entitled "REQUESTING MAUI COUNTY'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE INFLUENCE OF CORPORATE POWER ON THE POLITICAL SYSTEM".

The recommended action is that County Communication No. 15-126 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-127 - ANNA M. FOUST, EMERGENCY MANAGEMENT OFFICER,  
(dated April 23, 2015)

Transmitting a proposed resolution entitled "APPROVING THE SITING OF SIRENS IN MAUI COUNTY RELATING TO THE HAWAII STATE EMERGENCY OUTDOOR SIREN WARNING SYSTEM".

The recommended action is that County Communication No. 15-127 be referred to the Policy and Intergovernmental Affairs Committee.



## GENERAL COMMUNICATIONS

NO. 15-3 - CHARLES JENCKS, HONUA`ULA PARTNERS, LLC,  
(dated April 10, 2015)

Submitting an annual compliance report in accordance with Condition 29 of Ordinance No. 3554, establishing Kihei-Makena Project District 9 (Wailea 670) Conditional zoning for approximately 670 acres situated at Paehu, Palauea, Keauhou, Hawaii. (Honua`ula Project).

The recommended action is that General Communication No. 15-3 be referred to the Planning Committee.

CHAIR WHITE: Members, are there any objections to the items referred to Committee?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, may I request a brief recess please?

CHAIR WHITE: Sure. Recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:43 A.M., AND WAS RECONVENED AT 10:44 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER BAISA, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will come back to order.

And, Members are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Seeing none, so ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with ordinances for second and final reading.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 15 (2015)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
WEST MAUI COMMUNITY PLAN AREA, PARKS AND RECREATION,  
MOKUHINGIA ECOSYSTEM RESTORATION PROJECT;  
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT BILL 15 OF 2015 PASS SECOND AND FINAL  
READING.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: It's been moved by Mr. Hokama and seconded by Ms. Cochran.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Your Committee reviewed this request. It is a Capital Improvement Project for the Mokuhinia Ecosystem Restoration Program.

Your Committee is, was convinced that we need to make an adjustment in the current year's budget. And, therefore, today's final approval will present the funds needed for the improvements that the Committee was very much supportive of. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yes I concur with Mr. Hokama's comments in regards to this appropriation. We also did have questions and, somewhat of concerns just in reference to the historical background of this particular project; just a longevity and the lack of production.

But, I am happy to say, as of today, things are progressing and this is a needed item for them to do in a very safe and protective manner of the very historically significant special sites that are to be unearthed very soon, have already but, to be continued to be unearthed. So, I appreciate the fellow Members support of this and looking forward to continued progress forward with this project. Thank you very much, Chair.

CHAIR WHITE: Thank you.

Any further comments, Members? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 16 (2015)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF FINANCE, DEPARTMENT OF  
PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY;  
TOTAL OPERATING APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from either you or the Members, I would like to also call up Bills No. 17 and 18.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objection. Thank you, so ordered.

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 17 (2015)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF  
FINANCE, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF  
PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY;  
TOTAL OPERATING APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 18 (2015)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF FIRE AND PUBLIC SAFETY;  
TOTAL OPERATING APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS NO. 16, 17, AND 18 OF  
2015 PASS SECOND AND FINAL READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion by Mr. Hokama and a second by Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Your Committee worked very hard through this three late requests that impacts the Fiscal Year 2015 Budget and the potential of whatever Carryover Savings we would have utilized for the consideration of the 2016 Budget deliberations and review.

Your, your Committee, through the Chair, is working with Director Agsalog to ensure that these types of requests is kept to a minimum and also that Council will be fully informed regarding any adjustments in the flotation of bonds and the scheduling of payments. So, for Bill 16, it is to address the shortfall of fringe benefits in the Highway Divisions and Water Fund requirements that we have dealt with through Bill 16.

Bill 17 is the debt service payment and part of the issue is the changing without Council being aware of. Debt service payment now is due on June 1, the last month of the Fiscal Year instead of July 1, which is the first month of the new budget year. And, therefore, appropriate funds was not included in the current year's budget to take care of this requirement of obligation.

Bill 18 is for premium pay for various operations particularly in the Department of Fire and Public Safety. And that we feel that we've made appropriate adjustments in the proposed budget to minimize this type of request before Council in the succeeding year. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICTORINO,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes; eight "ayes", zero "noes", one "excused".

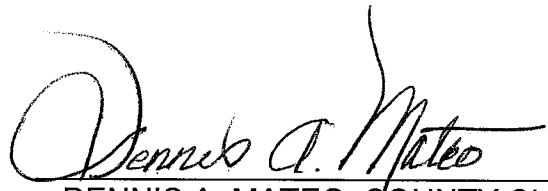
Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: With that, I want to thank everyone for their attention this morning. And, with that, we are adjourned.

### ADJOURNMENT

The regular meeting of May 5, 2015 was adjourned by the Chair at 10:50 a.m.

A handwritten signature in black ink, reading "Dennis A. Mateo". The signature is written in a cursive style with a large initial "D".

DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII